

**KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS
MEETING MINUTES
April 21, 2017**

A meeting of the Kentucky Board of Licensed Professional Counselors was held at the Frankfort office on April 21, 2017 at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY

MEMBERS PRESENT

Dr. Martin Wesley
Dr. Charles Pemberton
Christopher Griffith
Dr. Imelda Bratton
Sumer Watson
Brian O'Rear

OCCUPATIONS AND PROFESSIONS STAFF

Kayla Mann, Board Administrator
Robin Vick, Section Supervisor
Larry Brown, Commissioner

LEGAL COUNSEL

Brian Judy, Office of the Attorney General

MEMBERS ABSENT

Mark Hamm, M.Ed, NCC, LPCC

OTHERS

Rachel Fox, LPCA Applicant
Isela Arras, KCADV
Lisa Gabbard, KCADV
Justin Brogan, Murray State University
Chelsey Earnest, LPCA Applicant

CALL TO ORDER

Dr. Imelda Bratton, Vice Chair, called the meeting to order at 10:00 a.m.

INTRODUCTION OF GUESTS

Rachel Fox attended the meeting to discuss her LPCA application and amended regulation changes affecting her application.

Chelsey Earnest attended the meeting to discuss her LPCA application and amended regulation changes affecting her application.

Isela Arras and Lisa Gabbard from Kentucky Coalition against Domestic Violence came before the board to discuss SB86 new legislation & mandatory reporting for victims of DV.

MINUTES

A motion was made by Christopher Griffith to approve the minutes as written from the March 17, 2017 meeting. Motion, seconded by Summer Watson, carried.

MONTHLY FINANCIAL REPORT

The financial statement for the month ending March 31, 2017 was presented to the Board for review. No further action was required.

REPORT FROM O&P

No report.

NEW BUSINESS

The board briefly discussed approving or declining setting up an affidavit for the FBI and State background checks now required for licensure. No further action required.

A motion was made by Charles Pemberton for the Board accept the FBI approved channeling agencies as a provider for the FBI Background checks for applicants. Motion seconded by Mr. Griffith, carried.

A motion was made Mr. Griffith for the Board to delegate authority to the Applications Committee to review and approve criminal background checks of previously reviewed applications over the next 90 days. Motion seconded by Dr. Pemberton, carried.

A motion was made by Dr. Pemberton that for the next 90 days the board will accept background checks brought in from the applicant or sent directly to the board. Motion seconded by Brian O'Rear, carried.

A motion was made by Dr. Pemberton for legal counsel to amend 36:060 Section 2 to add (4) to require a non-lpcc board licensed supervisor to complete the 15 hour supervision class; three hour law every three years and licensed for two years in their profession. Final wording to be approved by the board chair. Legal counsel to amend the LPCA Supervision Form to match regulation. Motion seconded by Ms. Watson, three in favor & one opposed, carried.

A motion was made by Mr. O'Rear to recess for lunch at 12 pm. Motion seconded by Martin Wesley, carried.

A motion was made by Mr. Griffith to come out of recess at 12:51 pm. Motion seconded by Mr. O'Rear, carried.

The board discussed email correspondence received from Jolie Long. The board suggested that her company request a mailing list. No further action required.

The board discussed email correspondence from Mike Fulkerson questioning if an LPCA currently works as a full time administrator at a counseling facility and only does therapy on a part time basis. What's considered "clock hours" spent counseling that's required to be supervised as written in 201 KAR 36:060 Section 3 (g) 1. The board interpreted this as an LPCA that is a full time administrator would be considered in part-time practice, if the LPCA were not counting their administrative work as indirect hours. If the LPCA were counting all administrative work as indirect hours under their LPCA license, they would be considered in full time practice per 201 KAR 36:060 Section 3 (g) 1. No further action required.

The board discussed email correspondence received from Paige Hearn. The board suggested for her to review KRS 335.525 and 201 KAR 36:070 for educational requirements. No further action required.

Martin Wesley discussed the upcoming reorganization to the LPC Board with the board members. No further action required.

OLD BUSINESS

The board discussed the progress of the FAQ. Dr. Bratton and Dr. Pemberton are continuing to work on this. No further action was required.

APPLICATIONS COMMITTEE

Dr. Pemberton made a motion for all applications marked as approved be approved. Motion seconded by Ms. Watson, carried.

Dr. Pemberton made a motion for all applications marked as denied be denied. Motion, seconded by Ms. Watson, carried.

Dr. Pemberton made a motion for all applications marked as deferred be deferred. Motion, seconded by Ms. Watson, carried.

Supervisory Agreements

The applications committee made a recommendation to approve the following Supervisory Agreements:

Carsemu Bronw, Mark Deaton, Tiffany Dominey, Carson Economy, Ashley Embree, Amanda Ferguson, Scott Gibson, Tera Hicks, Joy Johnson, Amy Kilgore, Teresa Knox, Carol Lothery, Chelsea Marcum, Kole Metz, Heather Oldham, Bonnie Partin, Amanda Reeder, Kayla Renteria, Jennifer Schlager, Teresa Shofner, Joseph Smith, Tonja St. Clair, Randi Summerville, Stephanie Taylor-Edge, Megan Tetrev, Jamie Wilkinson.

Licensed Professional Counselor Associate (LPCA)

The applications committee made a recommendation to approve the following applications for Licensed Professional Counselor Associates:

Tinley Daniel, Ashlie Doan, Grace Hallak, Michael McAllister, Susan Rose, Zachary Stewart, and Olivia Ware.

The applications committee made a recommendation to approve the following applications for Licensed Professional Counselor Associates pending receipt of the Supervisory Agreement:

Johnathan Allen, Susan Hogan, Karen Klien, Lindsay Miller, Kimberly Watkins and Samantha Woods.

Reinstatements

The applications committee made a recommendation to approve the following reinstatement(s):

Heather Larrabee.

Licensed Professional Clinical Counselor (LPCC)

The applications committee made a recommendation to approve the following LPCC applications:

Tessa Banta, Holly Barlow, Raymond Bartholomew III, Twyna Bell, Justin Brogan, Kassi Goodman, Joshua Johnson, Caitlin Macy, Elizabeth Jill Martin, Samantha Schwienher, and Marcie Vooris.

Denied Applications

The applications committee made a recommendation to deny the following applications:

Vivian Fleming, Lauren Sharp-Page, Amanda Tittle, James Mingo, and Adrine Hardy.

Continuing Education

The following continuing education courses were approved:

- Bryant Behavioral Health & Wellness, LLC-Domestic Violence to fulfill 201 KAR 36:030
- Centerstone- baby Blitz-Grand Rounds
- Christopher Griffith-The Power & Control Wheel: Everything You Need to Know
- Cincinnati Christian University-Healing Our Core Issues: An Introduction to Healing Development & Relational Trauma
- Compass Counseling, LLC & Practikat-Business Basics of Private Practice
- Department for Behavioral Health – Motivational Interviewing
- Department for Behavioral Health- QPR Instruction Training / Refresher
- Department for Behavioral Health-Applied Suicide Intervention Skills Training (ASIST)
- Department for Behavioral Health-Operation Immersion
- Department for Behavioral Health-Person Centered Recovery Planning Supervisory Training
- Eastern Kentucky University-Suicide Assessment, Treatment and Management to fulfill 201 KAR 36:030
- Geoff Wilson – Effective Strategies for Addressing Anxiety & Trauma with Youth
- GoHire and KRCC-Epidemiology of Opioid Overdose in KY
- Jan Roberson Stogner-Assessing & Managing Suicide Risk AMSR
- Kentucky Psychological Association-KPA Autism Conference
- Kentucky River Community Care, Inc.-Plan of Safe Care Collaborative Training
- KY Coalition Against Domestic Violence-Laws & Regulations Training for LPCCs
- KY Coalition Against Domestic Violence-PAHT
- KY Coalition Against Domestic Violence-IPO Training
- KY Coalition Against Domestic Violence-HIV/AIDS Required Continuing Education
- KY Coalition Against Domestic Violence-Assessing and Managing Suicide Risk AMSR
- KY Coalition Against Domestic Violence-Batterer Intervention Provider Certification Training
- KY Coalition Against Domestic Violence-Domestic Violence
- Mountain Comprehensive Care Center-Motivational Interviewing
- Mountain Comprehensive Care Center-Plan of Safe Care Kentucky
- Pennyroyal Center- Motivational interviewing: CORE Training
- Pennyroyal Center-Implementing ASAM
- Pennyroyal Center-Person Centered Planning
- Pennyroyal Center-ASIST: Applied Suicide Intervention Skills Training
- Pennyroyal Center-Plan of Safe care Collaborative Training
- PESI, Inc. –Psychopharmacology: What You Need to Know Today About Psychiatric Medications
- PESI, Inc. – Anxiety Disorders: Recognizing & Treating the Emerging Epidemic SEM#55026
- PESI, Inc.- EMDR: 3-Day Intensive Training – Eye Movement Desensitization and Reprocessing SEM#55137
- PESI, Inc.-Oppositional, Defiant & Disruptive Children and Adolescents SEM#54983
- PESI, Inc.-High Functioning Autism: Proven & Practical Interventions for Challenging Behaviors in Children, Adolescents & Young Adults SEM#49504
- PESI, Inc. –David Kessler on Grief & Grieving
- PESI, Inc.- Mastering DSM-5 and ICD-10 Diagnosis: A Symptom-Based Approach SEM#55158
- Ramsey Estep Homes- Understanding Trauma
- River Valley Behavioral Health-Implementing ASAM
- St. Elizabeth Healthcare Hospice-The Power of Personal Story: Helping People Share Their Legacy
- The Adanta Group-Suicide Education & Prevention to fulfill 201 KAR 36:030
- The Healing Place-Addiction Symposium: Reversing An Epidemic
- The Ridge Behavioral Health-SAFY Conference

COMPLAINTS COMMITTEE

- 2016-38** After review and discussion the complaints committee made a recommendation to investigate. The motion seconded by Ms. Watson, carried.
- 2017-04** After review and discussion the complaints committee made a recommendation to dismiss The motion seconded by Mr. Griffith, carried.
- 2017-07** After review and discussion the complaints committee made a recommendation to investigate. The motion seconded by Ms. Watson, carried.
- 2017-08** After review and discussion the complaints committee made a recommendation to investigate. The motion seconded by Ms. Watson, carried.
- 2017-10** After review and discussion the complaints committee made a recommendation to investigate. The motion seconded by Ms. Watson, carried.

The following cases are ongoing:

- 2014-18
- 2015-06
- 2015-28 A&B
- 2015-29
- 2015-32
- 2015-35
- 2016-02
- 2016-03
- 2016-05 A&B
- 2016-09
- 2016-10
- 2016-11
- 2016-12
- 2016-13
- 2016-14
- 2016-15
- 2016-20
- 2016-22
- 16-KBPC-0091
- 2016-24
- 2016-25
- 2016-26
- 16-KBPC-0261
- 2016-27 A&B
- 2016-28
- 2016-29

- 2016-30
- 2016-31
- 2016-32 A&B
- 2016-33
- 2016-36
- 2016-37
- 2016-38
- 2017-01
- 2017-02
- 2017-03
- 17-KBPC-0024
- 2017-05
- 2017-06
- 2017-07
- 2017-08
- 2017-09
- 2017-10
- 17-KBPC-0098
- 17-KBPC-0099

TRAVEL AND PER DIEM

Mr. O'Rear made a motion to approve the travel and per diem for members attending today's meeting. The motion, seconded by Ms. Watson, carried.

ADJOURN

Mr. Griffith made a motion to adjourn at 3:32 p.m., having no further items of discussion. The motion, seconded by Ms. Watson, carried.

Dr. Martin C. Wesley, PhD, LPCC, Chair

General Government Boards Reorganization

Talking Points

Background:

- A restructuring is necessitated by a 2015 U.S. Supreme Court ruling in *N.C. Dental Board v. Federal Trade Commission*.
 - The N.C. Dental Board sent cease and desist letters to non-dentists that were providing teeth whitening services.
 - The ruling found that the board's actions were anti-competitive and that board members were subject to liability because the board was not actively supervised by the state.
 - As a result, boards comprised of market-based participants must be supervised by the state for board members to enjoy individual anti-trust immunity.
- If your licensing board has a market-based participant (i.e. someone that holds an active license in the field in which the board regulates) and is not actively supervised by the state, then board members can be held personally liable for board decisions.
- Kentucky is one of several states that will be changing the structure of licensing boards to comply with the Supreme Court decision.

Structure:

- State licensing boards will largely maintain their individual identity. Similar boards will, however, be grouped together in an authority for purposes of government oversight, personnel staffing, and administrative support. The oversight will primarily come from an Executive Director that will provide active state supervision to each licensing board through management, oversight, and administrative assistance.
- The Executive Director will be hired by the Public Protection Cabinet.
- Individual licensing boards will be housed within the Department of Professional Licensing under the Public Protection Cabinet.
- Each licensing board will continue to regulate and license their respective profession with oversight from the Executive Director and the Commissioner of the Department of Professional Licensing.
- With very limited exceptions, each licensing board will have five members.
- Board appointments will be made through the Boards and Commissions process, and stakeholder groups and associations will have the opportunity to submit recommendations, through Boards and Commissions, for the Governor's consideration.

Process:

- Each individual licensing board will have the authority to:
 - **Grant licenses**
 - Licensing appeals will be sent to the Executive Director of the oversight board.
 - **Recommend regulatory changes**
 - Regulatory changes will be recommended by the individual licensing boards and sent to the Executive Director. The Executive Director will review the proposed regulatory changes and either approve or send back to the board with suggested revisions.
 - **Initiate disciplinary actions**
 - Individual licensing boards may initiate disciplinary actions against licensees. Disciplinary appeals will be handled by the Executive Director.
- The Executive Director will have final approval on licensing appeals, regulatory changes, and disciplinary appeals.

Services:

- Each authority will be assigned a general counsel to provide legal services for member licensing boards.
- The licensing board will create a budget that is subject to the approval of the Executive Director.